

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-486**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
7 OF THE MOUNT HERMAN STREET RIGHT-OF-WAY,
8 ESTABLISHED IN THE PLAT OF HENDERSONVILLE, AS
9 RECORDED IN PLAT BOOK 4, PAGE 77, OF THE CURRENT
10 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN
11 COUNCIL DISTRICT 7, AT THE REQUEST OF SHAY
12 EDERY, OWNER OF EASY JAX PROPERTIES LLC AND EASY
13 BUY PROPERTIES LLC, SUBJECT TO RESERVATION OF AN
14 EASEMENT TO THE CITY OF JACKSONVILLE AND JEA FOR
15 UTILITIES, FACILITIES AND ACCESS; PROVIDING FOR
16 APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
17 EFFECTIVE DATE.
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19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Closure and Abandonment.** An unopened and
21 unimproved portion of the Mount Herman Street right-of-way,
22 established in the Plat of Hendersonville, as recorded in Plat Book
23 4, Page 77, of the current public records of Duval County, Florida,
24 located in Council District 7, a depiction and description of which
25 is attached hereto as **Exhibit 1** and incorporated herein by this
26 reference, is hereby closed and abandoned and/or disclaimed as a
27 right-of-way at the request of Shay Ederly, owner of Easy Jax
28 Properties LLC and Easy Buy Properties LLC (the "Applicant"); provided
29 however, there is reserved unto the City of Jacksonville and JEA an
30 all utilities, facilities and access easement on, over, under, through
31 and across the closed right-of-way for ingress and egress and for all

1 utilities and facilities, including but not limited to, water, sewer
2 and electric, so as to provide JEA continued access to repair and
3 maintain these utilities and facilities. The Applicant paid the right-
4 of-way closure application fee of \$2,091.00, and this amount has been
5 deposited into the General Fund. This closure request was reviewed
6 and approved by the various city, state, and utility agencies that
7 might have an interest in the right-of-way and there were no
8 objections to the Applicant's request.

9 **Section 2. Purpose.** The Applicant owns property adjacent
10 to the closure area (R.E. No. 053256-0000) and is requesting the
11 closure to expand the residential yard between his parcels on either
12 side of the closure to create more room for tenant use, subject to
13 the conditions set forth herein.

14 **Section 3. Hold Harmless Covenant.** The closure and
15 abandonment by the City of its interests in the right-of-way is
16 subject to Applicant's execution and delivery to the City of a Hold
17 Harmless Covenant, in substantially the same form attached hereto as
18 **Exhibit 2** and incorporated herein by this reference. Accordingly,
19 the closure and abandonment of the right-of-way shall not be recorded
20 in the public records until execution and delivery to the City by the
21 Applicant of the required Hold Harmless Covenant.

22 **Section 4. Effective Date.** This Ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

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26 Form Approved:

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28 _____
29 Office of General Counsel

30 Legislation prepared by: John C. Sawyer, Jr.